



## **OPENING STATEMENT**

**By**

**AMBASSADOR VIJAY S. MAKHAN,  
ASSISTANT SECRETARY GENERAL**

**AT**

**THE MEETING OF EXPERTS ON THE  
DRAFT ADDITIONAL PROTOCOL TO THE AFRICAN  
CHARTER ON HUMAN AND PEOPLES'  
RIGHTS IN AFRICA**

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Compliments,

It is my singular honour to open this very important meeting of Government Experts convened to consider the OAU Draft Additional Protocol to the African Charter on Human and Peoples' Rights. I have taken time to be personally present at this event this morning to underscore the importance that the OAU attaches to the issue that will occupy your attention during this week. I should also like to convey to you the personal greetings of the Secretary General of the OAU, Mr. Amara Essy who is presently in New York to attend to matters of critical importance to the Organisation and the Continent.

In opening this meeting, it is also my privilege to share with you the perspective and the agenda of the OAU in the onerous responsibility of promoting and protecting Human Rights in Africa in general and Women Rights in particular.

In the contemporary socio-political agenda of our Continent, our Heads of State and Government have placed the issue of Human Rights as a top priority, with the conviction that it is the protection and promotion of these rights that promote international peace and stability. Indeed, the Constitutive Act of the African Union attributes a place of prominence both among its principles and



objectives to issues of Human Rights. Institutionally, the framework for addressing Human Rights issues within the OAU has been the African Commission on Human and Peoples' Rights, established in 1981 by the Assembly of Heads of State and Government following the adoption of the African Charter on Human and Peoples' Rights. The Charter recognizes the fundamental freedoms and human rights of all African peoples regardless of sex, race, religion, culture and other differences. However, and even within the OAU, there has been an increasing recognition of the fact that current Human Rights Instruments have not always addressed violations that are targeted against already vulnerable segments of the society including in particular, women. And yet, the fact remains incontestable, that discrimination and other forms of abuses are pervasive and are destroying the social fabric of our societies, mainly because many of the victims are women with hardly any access to social justice. It is our view, at the OAU, that the solution to this problem lies within the provision not only of legal redress for victims of such kind of human rights violations, but in the political will of governments to enforce protective laws and to encourage the empowerment of women as equal citizens and partners with their menfolk.

But, before this can be achieved, there is need to move beyond paying mere lip service to addressing this problem. It is my considered view that there are simply too many conferences, speeches, declarations, decisions and promises in relation to the achievement of gender equality, when in real terms, very little

headway has been made to protect women from the gross abuses that they suffer within many of our societies.

Over the years, the OAU has, through numerous resolutions, decisions and declarations, expressed its resolve to promote gender equality as already enshrined in its Charter. Furthermore, the Constitutive act of the African Union has reaffirmed gender equality as one of the cardinal principles to be promoted. But then, when assessing the progress made in the realization of this lofty principle, one has to recognize that the expectations have not been fulfilled in a satisfactory manner. Indeed, let me make bold to say that even in the present OAU structures, women are yet to be represented at the highest levels of leadership and their presence in other high offices remains but marginal. This situation calls for redress in our future endeavours. It requires the concerted efforts and the necessary political resolve from both men and women in our Governments and indeed at the level of the OAU leadership to achieve the right balance.

As I have just mentioned, for us at the OAU, and as we make the transition to the African Union, the priority given to gender equality and women's rights is self-evident. Article 4, paragraph(L) of the Constitutive Act of the African Union makes the principle of gender equality a major cornerstone. The challenge before all of us is to translate words into action and increase the visibility of women in positions of power and decision-making. But then, as much as it requires political



will to facilitate an equitable gender representation it behoves the women of Africa, and I wish to encourage them in that direction, to utilize this critical period of institutional transition, to show more interest in the work of the Union and its Institutions. But such interest should be aimed at creating the opportunities and necessary space in our society for the upliftment of the African woman in general and not only of those that may be vocal. It has become almost fashionable for every available opportunity to be used to militate for gender equality or equitable gender representation. In this respect, I should like to state that women, specially those who have the privilege of being in the forefront in relevant Womens' Organisations should not only be heard militating but be seen to be achieving concrete results on the ground so that more women can occupy the available space. Let me, therefore, use this Forum to urge all women to take up the mantle of assertiveness and work towards laws, policies and practices and a review, where necessary, of the existing structures that will protect their rights across the continent and in particular, those of the girl child who is growing up in today's world of uncertainties. We must insist that women's rights are human rights that must be entrenched and defended at the local, national, regional and continental levels in all their ramifications. And in that, we must demonstrate the courage of our conviction.

It is indeed a matter of serious concern to the OAU that even though women comprise more or less 52% of Africa's population, provide 70% of agricultural

workers and 60 to 80 % of labour for household food production, they hold less than 4% of decision-making positions on matters that directly affect them, especially in the areas of law and policy formulation.

The OAU firmly believes that sustainable development will remain elusive to our continent, if gender sensitive laws, policies and programmes are not promoted. It was against this background that the OAU promoted an African Common Position at the World Conference of the United Nations Decade for Women, the 1995 UN Conference on Women in Beijing and the Beijing+5 meeting. It is as a result of these meetings that the African Platform for Action was adopted, as an integral part of the Global Platform for Action and culminating in the issue of the rights of the "Girl Child", an issue of African origin. Indeed, the African Platform reflects the concerns of the Continent on the issue of gender equality and women's rights.

It is also for this reason that the OAU decided to revisit the issue of protecting and promoting the rights of women under the African Charter on Human and Peoples' Rights, and now wish, through an additional Protocol to that Charter, to strengthen it by specifically addressing the human rights concerns of women, with a view to providing redress for violations of such rights based on gender discrimination.



The draft Additional Protocol is a legal document that focuses on the elimination of discrimination against women, including the elimination of gender-based violence and harmful traditional practices. It seeks to aid and encourage women to participate in decision-making while lending them access to information and education. The Protocol further focuses on health and reproductive rights of women, a key component, not only of a woman's physical and mental well-being, but one that contributes extensively to family life and stability. In particular, the scourge of HIV/AIDS comes to mind, which dictates that the protection of women and girls against sexual violence should be addressed, in conflict and non-conflict situations alike.

This technical meeting is, therefore, to examine the Draft Protocol and to breathe life into it as a legal document that will stand to protect the rights of women in Africa. The document before you is lengthy and detailed. A lot of work has gone into it already. It has been developed by legal and gender experts from the African Commission for Human and Peoples' Rights and the OAU General Secretariat, with substantial input from representatives of some of the very vibrant women's organizations within the Civil Society in Africa. I trust, however, that you will be able to reflect on its contents and add value where required and as necessary, for the benefit of the women in Africa. In this context, I should like to urge you to address during your deliberations, with a view to its inclusion in the Protocol, the particular issue of the need to assist in improving the plight of women in times of

conflict. Appropriate provision needs to be made in terms of ensuring the protection and care of women affected by armed conflicts.

Let me conclude by saying that the successful outcome of this meeting, at the end of this week, will allow the Draft to be considered by a Ministerial Meeting which will then endorse the document for approval and adoption by the policy organs of the OAU, namely the Council of Ministers and the Assembly of Heads of State and Government. The Protocol will then become legally binding and provide a veritable platform for the protection and promotion of women's rights in Africa. It will, indeed, be the culmination of Africa's substantive efforts and commitment towards the empowerment of women on the Continent.

I wish you all on behalf of the Secretary General, my other colleagues and on my own behalf, successful and fruitful deliberations. We await the outcome of your work with great expectations and I am confident that you will not fail us.

Thank you.



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